

IRVIN WALL

IBLA 82-1006

Decided October 3, 1983

Appeal from decision of the Oregon State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer OR 29037.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:
Applications: First-Qualified Applicant

Because a noncompetitive oil and gas lease may be issued only to the first-qualified applicant, a junior offer is properly rejected to the extent that it includes land described in a senior offer and the junior offeror fails to provide valid reasons why the senior offer should be considered defective.

APPEARANCES: Irvin Wall, pro se.

OPINION BY ADMINISTRATIVE JUDGE ARNESS

Irvin Wall has appealed from the June 7, 1982, decision of the Oregon State Office, Bureau of Land Management (BLM), rejecting in its entirety oil and gas lease offer OR 29037 because the lands requested are included in a lease issued pursuant to a prior offer.

Wall filed oil and gas lease offer OR 29037 on August 24, 1981, for all of sec. 25 and the S 1/2 of sec. 26, T. 4 S., R. 29 E., Willamette meridian, Morrow County, Oregon. The lands requested were included in a prior oil and gas lease offer, OR 25272, filed by Kurt A. Humphrey, d/b/a/ Northwest Mineral Services, on October 31, 1980. Humphrey was issued a lease which included the lands in appellant's offer on May 1, 1982. In its decision of June 7, 1982, BLM rejected appellant's offer because of Humphrey's prior offer and lease.

In a letter received by BLM on July 6, 1982, Wall states:

It is the opinion of the undersigned that OR 25272 filed by Kurt A. Humphrey, d/b/a/ Northwest Mineral Services, should be disallowed for the following reasons:

1. Applicant did not state his age in statement of qualifications attached to filing as required under 43 C.F.R.

2. Applicant did not state the capacity in which he was acting for Amoco Production Company as required under 43 C.F.R.

Wall's opinion is unfounded. In signing the offer, Humphrey affirmed the statement in item 5(d) that he was 21 years of age or over. Furthermore, his offer was accompanied by a statement that Amoco Production Company had an interest in the offer and that a statement of Amoco's interest would be filed within 15 days as required by the instructions on the lease form. The required statement was timely filed. Wall has provided no valid reason to reverse BLM's decision.

[1] Because a noncompetitive oil and gas lease may be issued only to the first-qualified applicant under 30 U.S.C. § 226(c) (1976), a junior offer is properly rejected to the extent that it includes land described in a senior offer and the junior offeror fails to provide valid reasons why the senior offer should be considered defective. Irvin Wall, 69 IBLA 175 (1982); Irvin Wall, 68 IBLA 243 (1982).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Franklin D. Arness
Administrative Judge
Alternate Member

We concur:

Bruce R. Harris
Administrative Judge

Will A. Irwin
Administrative Judge

